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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/706,040	11/13/2003	Kamal Bhattacharya	YOR920030445 (00280754AA)	7099
30743 7590 06/11/2008 WHITHAM, CURTIS & CHRISTOFFERSON & COOK, P.C. 11491 SUNSET HILLS ROAD SUITE 340 RESTON, VA 20190				
EXAMINER				
CHUMPTIAZ, BOB R				
ART UNIT		PAPER NUMBER		
4115				
MAIL DATE		DELIVERY MODE		
06/11/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary****Application No.**

10/706,040

**Applicant(s)**

BHATTACHARYA ET AL.

**Examiner**

BOB CHUMPITAZ

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 3/2/2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date: \_\_\_\_\_

### **DETAILED ACTION**

This communication is a Non-Final Office Action in response to application filed November 13, 2003. Preliminary amendment filed on March 19, 2008 canceled claims 1-10 and added claim 11. Claim 11, as originally filed is presented for examination on the merits.

#### ***Specification***

The disclosure is objected to because of the following informalities: The word "autonomic" is misspelled as "automomic" Pg. 2. Appropriate correction is required.

#### ***Claim Objections***

Claim 11 is objected to because of the following informalities: The word "one" is misspelled as "on" by applicant. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 11 is rejected under 112 2<sup>nd</sup>.

Claim 11 recites the limitation "one business process robot" yet no foundation has been laid for "one business" because none have yet been received. There is insufficient antecedent basis for this limitation in the claim.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claim 11 is rejected under 35 U.S.C. 102(b) as being anticipated by Roach et al. 5,310,997 (hereinafter referred as Roach).**

As per claim 11 Roach discloses a retail store replenishment system, comprising: one or more retail stores equipped with means for tracking point of sales events and quantities of in-store stock, (col. 3, lines 25-33 retail store 200 wherein system 10 integrates point of sale and warehouse processing functions; see also col. 3, line 59 – col. 4, line 4 plurality of stores; see also, col. 4, lines 35-68 (DSC) distribution control system that tracks merchandise and directs workflow in the warehouse), and a means for receiving notices of advanced shipments of stock (col. 1, lines 47-57 interface programs to provide efficient merchandise selection and delivery process); at least one distribution center with means for tracking in-distribution center stock (col. 4 lines 35-54 (DSC) distribution control system running on the main store processor 14, see Fig. 1 and associated text), means for ordering stock from suppliers (col. 1, lines 30-33 system 10 integrates point of sale used in the selection, order and delivery of merchandise; see also, col. 20, lines 49-60 system 10 used for performing shelf count or restocking functions), and means for sending notices of advanced shipments of stock to one or more retail stores (col. 2, lines 9-18 point of sales system sends information to warehouse facility where the customer merchandise wait is minimized); at least one retail business process robot associated with each of said one or more retail stores (col. 3, line 59 – col. 4, line 4 plurality of stores), said at least one business process robot receiving input from said means for tracking point of sales events and quantities of in-

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store stock and from said means for receiving notices of advanced shipments of stock (col. 4, line 45 – col. 5, line 5 store processor 14 includes the (DSC) distribution center system warehouse inventory system; see Fig. 1 and associated text), said at least one business process robot determining a potential out-of-stock threat based on said input and providing notification of said potential out-of-stock threat (col. 9, lines 48-59 pen-based sales transaction computers 18 used to refer item data such as stock availability; see also, col. 12, lines 17-34 computer 18 prompts a screen on the computer of suggested products comparable to the unavailable merchandise); at least one distribution center business process robot associated with each of said at least one distribution center (col. 4, line 45 – col. 5, line 5 store processor 14 includes the (DSC) distribution center system warehouse inventory system; see Fig. 1 and associated text), said at least one distribution center business process robot controlling execution of an updatable execution plan (col. 7, lines 10-35 system 10 enables flow of information between point of sales controller 12, the main store processor 14 and sales transaction computers 18; see Fig. 1 and associated text); and at least one business process robot which communicates with each of said at least one retail business process robot and said at least one distribution center business process robot (col. 3, line 44 – col. 4, line 4 system 48 located at a central management facility communicates with plurality of stores each having system 10, see Fig. 1 & 2 and associated text), said at least one business process robot manages distributions processes associated with stock distribution among said one or more retail stores and said at least one distribution center in a manner which automatically adapts distributions process to changing

business conditions (col. 4, lines 32 – 69 distribution center system; see also col. 19 line 62 - col. 10, line 30 DCS system; see also col. 7 lines 1-9, merchandising system 56 order and price change information), said business process robot including a data source containing quantified business goals, an execution module that governs execution of the distribution process, and a managerial module that monitors process performance and modifies business processes to achieve the business goals (col. 4, lines 5-2 store management application that runs on controller 64; see also, col. 16, lines 7-13 inventory management and distribution system 600, see Fig. 6 and associated text), said at least one business process robot receives notification of said potential out-of-stock threat from at least one retail business process robot associated with at least on retail store, creates an updated execution plan based on said notification and said business goals, and provides said updated execution plan to said at least one distribution center business process robot (col. 9, lines 48-59 pen-based sales transaction computers 18 used to refer item data such as stock availability; see also, col. 12, lines 17-34 computer 18 prompts a screen on the computer of suggested products comparable to the unavailable merchandise; see also col. 17, lines 27-34 management report function).

Examiner has pointed out particular references contained in the prior arts of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the response, to

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consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Zlatsin et al. (US 6,377,296) Virtual map system and method for tracking objects.
- Mann et al. (5,216,592) System and method for business process automation.
- Doyle et al. (US 2005/00442209) Autonomic management of autonomic systems.
- Gamett et al. (US 6,856,942) System, method and model for autonomic management of enterprise applications.
- Bancroft et al. (US 7,206,753) Methods for facilitating a retail environment.
- Valogix Inventory Planner Product Brochure; [www.valogix.com](http://www.valogix.com); Copyright 2003-2008.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BOB CHUMPITAZ whose telephone number is (571) 270-5494. The examiner can normally be reached on M-TR: 7:30 AM - 6:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BRADLEY BAYAT can be reached on (571) 272-6704. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

B. C.

Examiner, Art Unit 4115

/Bradley B Bayat/

Supervisory Patent Examiner, Art Unit 4115



